

REMARKS

Claims 1-14 are currently pending in the Application. Claims 1, 4, and 13 have been amended with this Response. Claim 14 has been cancelled.

Claim Rejections Under 35 U.S.C. §102(a)

Claims 1-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by et al. U.S. Patent No. 5,204,148 to Alexander (hereinafter referred to as “Alexander”). Applicant respectfully traverse.

Applicant’s amended claim 1 recites *inter alia*:

“positioning at least two individual pieces of energy absorbing material to discretely cover each individual fastener of said fasteners whereby said fastener is completely covered by both of said at least two pieces, said at least two pieces including a first piece that is positioned and dimensioned to cover said top of said fastener only, such that said first piece is positioned and dimensioned to cover an entirety of no other roofing component,” and

Applicant’s amended claim 4 recites *inter alia*,

“at least two pieces including a first piece that is positioned and dimensioned to cover said top of said fastener only, such that said first piece is affixed to said top of said fastener so as to cover an entirety of no other roofing component, and said at least two pieces including a second piece that is affixed to a relative top of said first piece.”

Neither Alexander nor Whitman teach at least two energy absorbing layers, wherein a first piece of the at least two layers is positioned and dimensioned to cover a top of a fastener only, such that the first piece covers an entirety of no other roofing component. Instead referring to Figures 3 and 4, Alexander teaches layers 2-4 to be cover more than just the top of the fastener 20. In fact, as shown in these Figures, layers 2-4 are all taught to be dimensioned to cover an entirety of the washer 22. Whitman does not remedy this deficiency, in that, referring to Figures 1 and 5, the seal member 80A covers an entirety of the pressure plate 30A (i.e. more than just the

top of the fastener 70A. For at least his reason, Applicant respectfully asserts that the proposed combination of Alexander and Whitman dose not teach every element of Applicant's claims 1 and 4, or claims 2-3 and 5-12 that depend therefrom.

Referring now to Applicant's amended claim 13, there is recited *inter alia*,

“at least two pieces including a first piece that is positioned and dimensioned to cover said top of said fastener only, such that said first piece is positioned and dimensioned to said top of said fastener so as to cover an entirety of no other roofing component, and said at least two pieces including a second piece that is affixed to a relative top of said first piece.”

As is discussed with reference to claims 1 and 4, neither Alexander nor Whitman teach at least two energy absorbing layers, wherein a first piece of the at least two layers is positioned and dimensioned to cover a top of a fastener only, such that the first piece covers an entirety of no other roofing component. Thus, for at least the reasons discussed above, Applicant respectfully asserts that the proposed combination of Alexander and Whitman dose not teach every element of Applicant's claim 13.

Accordingly, Applicant respectfully submits that amended claims 1, 4, and 13, as well as claims 2-3, 5-6, and 8-12, that depend variously therefrom, are not obvious over the proposed combination of Alexander and Whitman.

Conclusion

All of the rejections are herein overcome. No new matter is added by way of the present Remarks, as support is found throughout the original filed specification, claims, and drawings. Notice of Allowance is respectfully requested.

If the Examiner has any questions regarding the instantly submitted response, Applicant's attorney respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any additional charges with respect to this response or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,
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